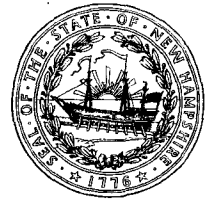




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

December 1, 2005

Mr. Justin Lounsbury  
20 Kelsey Street, PO Box 15  
Center Harbor, New Hampshire 03226

**CERTIFIED MAIL (7099 3400 0018 1290 6733)  
RETURN RECEIPT REQUESTED  
NOTICE OF PAST VIOLATION  
(Asb)**

**RE: Improper Asbestos Disposal at Little Harbor Road, Portsmouth, New Hampshire**

Dear Mr. Lounsbury:

On July 11, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received information from the Portsmouth Code Enforcement Department ("Code Enforcement") that someone had dumped various construction debris in four locations along Little Harbor Road, Portsmouth, New Hampshire. The Police and Code Enforcement Officer found asbestos cement siding shingles in two locations, and a number of paint cans at another location. The waste found at locations along Little Harbor Road was traced to a construction project at 267 Richards Avenue, Portsmouth ("the Property"). The current owner of the Property is Denise Geldart.

On July 12, 2005, DES personnel went to inspect the piles of construction debris in order to determine conformance with provisions of RSA 141-E and the NH Code of Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. DES personnel met with Mr. Jason Page of Code Enforcement and took photographs of the construction debris. DES personnel observed construction debris, including siding shingles, painted framing members, new cut off pieces from both pressure treated and kiln dried lumber, along with asphalt roof shingles. DES personnel obtained samples of the siding shingles for laboratory analysis. The laboratory analysis confirmed that the siding shingles found at the Property were asbestos-containing material ("ACM").

On July 12, 2005, DES personnel and Mr. Page proceeded to the Property to inquire as to the status of the site. DES personnel spoke with you and noted that the construction debris observed at the Little Harbor Road locations matched all the building materials at the Property. You stated that you were building a small addition on the back of the house, you had filled a dumpster provided by Waste Management, Inc., and had waste left after the dumpster was removed. You stated that Mr. Val Geldart offered to "take care of" the debris along with paint cans from the garage at the Property. You opened Mr. Geldart's car trunk where DES personnel observed bits and pieces of what looked like wood and paint chips. In addition, you signed a sworn statement to the Portsmouth Police Department in which you confirmed these facts.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on July 12, 2005. The specific violations are as follows:


- Env-A 1803.01 requires each owner or operator to provide written notification to the department and the city/town health official, as applicable for the work site location, at least 10 working days before asbestos abatement activity begins at any major asbestos abatement project. DES was not notified prior to the commencement of activity at the Property.

- Env-A 1804.01 requires that before undertaking any demolition or renovation, each facility operator shall provide for an inspection of the affected portion(s) of the facility for the presence of ACM. The inspection must be done by someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors. An inspection was not conducted prior to the renovation work that was done at the Property.
- Env-A 1805, *Work Practice Requirements*, contains specific provisions pertaining to the proper handling, removal and disposal of ACM. In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement project to be licensed and certified. In addition, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods, and that asbestos waste be packed, transported, and disposed of correctly. A New Hampshire licensed asbestos abatement contractor did not do the abatement work, and required work practice and disposal standards were not followed during the removal of the ACM.

As the ACM has been properly removed from the Property by Seacoast Diversified, Inc., no further action related to the listed violations is required. However, please be advised that an inspection for ACM must be conducted prior to initiating any renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*, a copy of which is enclosed.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/asb

Encl.: Env-A 1800

cc: W. Toland, EPA Region 1  
G. Hamel, Legal Unit Administrator  
Jason Page, Portsmouth Code Enforcement  
Source File